

CFO/6/6/CV

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	CANON KABUSHIKI KAISHA	Date of Notification: Date: <u>26</u> Month: <u>03</u> Year: <u>2004</u>
Attorney:	HUANG BIQING	
Application No.:	02118357.0	
Title of the Invention:	LIQUID CONTAINER, LIQUID SUPPLY SYSTEM AND INK JET RECORDING APPARATUS UTILIZING THE SAME, AND METHOD OF MOUNTING LIQUID CONTAINER ON RECORDING APPARATUS	

Notification of the First Office Action

- ☒ The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
- ☒ The applicant claimed priority/priorities based on the application(s):
 filed in JP on 09/02/2001, filed in JP on 09/02/2001,
 filed in JP on 05/02/2002, filed in _____ on _____,
 filed in _____ on _____, filed in _____ on _____,
☒ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.
☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.
☐ The application is a PCT continuation.
- ☐ The applicant submitted amendments to the application on _____ and on _____, wherein the amended _____ submitted on _____ and the amended _____ submitted on _____ are not acceptable, because said amendments do not comply with ☐ Article 33 of the Patent Law.
☐ Rule 51 of the Implementing Regulations of the Patent Law.
 The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
- ☐ Examination as to substance was directed to the initial application documents as filed.
☒ Examination as to substance was directed to the documents as specified below:
 pages 2-29 of the description, claims 1-44 and pages 1-36 of the drawings submitted on 09/02/2002,
 pages 1 of the description, claims _____ and pages _____ of the drawings submitted on 29/08/2002,
 pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
 the abstract submitted on _____, and the figure for the abstract submitted on _____.
- ☐ This Notification is issued without search reports.
☒ This Notification is issued with consideration of the search results.
☒ Below is/are the reference document(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	US3929071A	Date: <u>30</u> Month: <u>12</u> Year: <u>1975</u>
2	US6142617A	Date: <u>07</u> Month: <u>11</u> Year: <u>2000</u>
3	CN1208695A	Date: <u>24</u> Month: <u>02</u> Year: <u>1999</u>
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

6. Conclusions of the Action:

- ☒ On the Specification:
- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
 - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
 - ☒ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☒ On the Claims:
- ☐ Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
 - ☐ Claim(s) _____ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
 - ☒ Claim(s) 1,4,6,11-15,18,31 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
 - ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 26 paragraph 4 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
 - ☒ Claim(s) 2,10,16,42 does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
 - ☐ Claim(s) _____ does/do not comply with Article 9 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 4 pages and the following attachments:

- ☒ 3 cited reference(s), totaling 37 pages. ☐

Examination Dept. 2 Examiner: WFJ Seal of the Examination Department

TEXT PORTION OF THE FIRST OFFICE ACTION

The present application relates to a liquid container detachably mounted on an ink jet recording apparatus, and a recording apparatus utilizing such liquid container. After examination, the examiner raised the following comments:

1. Independent Claim 1 is rejected under Article 22 (3) of the Chinese Patent Law over reference 1, as lacking inventiveness.

Reference 1 discloses ink recirculating system for ink jet printing apparatus, and discloses the technical features as follows: being provided on the bottom thereof with independent two fluid connection ports for communicating a liquid chamber with the exterior of the container, wherein said two connection ports are provided close to an end portion of the bottom (cf. line 67 column 3 to line 51 column 4 and figures 4-6). It can be noted, the difference between the technical solution defined by claim 1 and that of reference 1 merely lies in "liquid container having a flat shape". However, the difference belongs to general knowledge in the art. To achieve the object of the invention, it is obvious to obtain the technical solution of claim 1 on the basis of the combination of references 1 and general knowledge. At the same time, it is not described in the description of the present application that the different feature has prominent substantive features and represents a notable progress. Therefore, claim 1 lacks inventiveness.

2. Claim 2 does not comply with the provisions of Rule 20 paragraph 1 of the Implementing Regulations, as being not clear.

The technical feature, "external shape and the internal space of the liquid container are pointed toward the bottom thereof" is not defined clearly. Therefore, the applicant should amend it or describe it in other words.

3. Claim 4 is rejected under Article 22 (3) of the Chinese Patent Law over reference 1, as lacking inventiveness.

The additional technical feature defined by claim 4, "a fluid connection port closer to the end of the bottom of the liquid container is used for enabling derivation of the liquid of the liquid chamber" is disclosed in reference 1 (cf. line 67 column 3 to line 51 column 4 and figures 4-6). The technical feature

disclosed plays the same function, i.e. to derive the liquid. Therefore, when claim 1 cannot be accepted, claim 4 lacks inventiveness, too.

4. Claim 6 is rejected under Article 22 (3) of the Chinese Patent Law over reference 1 and reference 3, as lacking inventiveness.

The additional technical feature defined by claim 6, "a fluid connection port closer to the center of the bottom of the liquid container among the fluid connection ports positioned in the end portion of the liquid container bottom is used for enabling air introduction" is disclosed in reference 3 (cf. lines 6-21 page 2 and figure 1). The technical feature disclosed plays the same function, i.e. to enable air introduction. To achieve the object of the invention, it is obvious to obtain the technical solution of claim 6 on the basis of the combination of references 1 and 3. Therefore, when claim 1 cannot be accepted, claim 6 lacks inventiveness, too.

5. Claim 11 is rejected under Article 22 (3) of the Chinese Patent Law over reference 1 and reference 2, as lacking inventiveness.

The additional technical feature defined by claim 11, "the two fluid connection ports are provided with elastic members for sealing the liquid chamber" is disclosed in reference 2 (cf. line 37 column 4 to line 58 column 5, lines 21-29 column 7 and figures 3, 4 and 6). To achieve the object of the invention, it is obvious to obtain the technical solution of claim 11 on the basis of the combination of references 1 and 2. Therefore, when claim 1 cannot be accepted, claim 11 lacks inventiveness, too.

Similarly, claims 12-14 lack inventiveness over reference 1 and reference 2.

6. Claim 15 is rejected under Article 22 (3) of the Chinese Patent Law over reference 1 and reference 3, as lacking inventiveness.

Reference 1 discloses ink recirculating system for ink jet printing apparatus, and discloses the technical features as follows: being provided on the bottom thereof with independent two fluid connection ports for communicating a liquid chamber with the exterior of the container, and two connection needles are inserted (cf. line 67 column 3 to line 51 column 4 and figures 4-6).

Reference 3 discloses ink cartridge, and discloses the technical features as follows: two connection ports derive ink and introduce air respectively (cf. lines 6-21 page 2 and figure 1). It can be noted that all technical features of claim 15 are disclosed in reference 1 and reference 3. To achieve the object of the invention, it is obvious to obtain the technical solution of claim 15 on the basis of the combination of references 1 and reference 3. At the same time, it is not described in the description of the present application that the different feature has prominent substantive features and represents a notable progress. Therefore, claim 15 lacks inventiveness.

7. Claim 16 is not clear, as the technical feature "said tubular member" being not recorded in preceding claims 1-6 and 8-14.

8. Claim 18 is rejected under Article 22 (3) of the Chinese Patent Law over references 1, 2 and 3, as lacking inventiveness.

Reference 1 discloses ink recirculating system for ink jet printing apparatus, and discloses the technical features as follows: a liquid container detachably mountable on ink jet recording apparatus (cf. line 67 column 3 to line 51 column 4 and figures 4-6).

Reference 2 discloses an ink container configured for use with compact supply station (cf. line 37 column 4 to line 58 column 5, lines 21-29 column 7 and figures 3, 4 and 6).

Reference 3 discloses ink cartridge, and discloses the technical features as follows: two connection ports derive ink and introduce air respectively (cf. lines 6-21 page 2 and figure 1).

To achieve the object of the invention, it is obvious to obtain the technical solution of claim 18 on the basis of the combination of references 1, 2 and 3. Therefore, claim 18 lacks inventiveness.

9. Similarly, claim 31 lacks inventiveness over references 1 and 3.

10. Claim 42 does not comply with the provisions of Rule 20 paragraph 1 of the Implementing Regulations, as being not clear.

The technical feature "suction means for forcedly sucking the ink in said recording head" mentioned in claim 42 is not defined clearly. The examiner suggests that the applicant should amend it or describe it in other

expression.



To sum up, the present application based on the present text shall not be approved. The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out, otherwise, the application will not be allowed. Please note that any amendment may not go beyond the scope of initial specification and claims.

EXAMINER

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中华人民共和国国家知识产权局

邮政编码: 100037 北京市阜成门外大街2号万通新世界广场8层 中国国际贸易促进委员会专利商标事务所 黄必青		发文日期 
申请号: 021183570 		
申请人: 佳能株式会社		
发明创造名称: 液体容器、液体供应系统及其喷墨记录装置		

第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第35条第1款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第35条第2款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以在:

JP	专利局的申请日	2001年02月09日	为优先权日,
JP	专利局的申请日	2001年02月09日	为优先权日,
JP	专利局的申请日	2002年02月05日	为优先权日,
	专利局的申请日	年 月 日	为优先权日,
	专利局的申请日	年 月 日	为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第30条的规定视为未提出优先权要求。
- ☐ 申请人于 年 月 日和 年 月 日提交了修改文件。
 经审查, 申请人于: 年 月 日提交的 不符合实施细则第51条的规定;
 年 月 日提交的 不符合专利法第33条的规定;
- 审查针对的申请文件:

<input type="checkbox"/> 原始申请文件。	<input checked="" type="checkbox"/> 审查是针对下述申请文件的
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申请日提交的原始申请文件的权利要求第1-44	项、说明书第2-29页、附图第1-36	页;
2002年08月29日提交的权利要求第	项、说明书第1	页、附图第
年 月 日提交的权利要求第	项、说明书第	页、附图第
年 月 日提交的权利要求第	项、说明书第	页、附图第
2002年02月09日提交的说明书摘要及摘要附图。		
- ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期(或抵触申请的申请日)
1	US3929071 A	1975.12.30
2	US6142617 A	2000.1.107
3	CN1208695 A	1999.02.24
- 审查的结论性意见:
☒ 关于说明书:



☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书不符合专利法第 33 条的规定。

☒ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书:

☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。

☒ 权利要求 1、4、6、11 - 15、18、31 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☐ 权利要求 不符合专利法第 26 条第 4 款的规定。

☐ 权利要求 不符合专利法第 31 条第 1 款的规定。

☐ 权利要求 不符合专利法第 33 条的规定。

☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。

☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

☒ 权利要求 2、10、16、42 不符合专利法实施细则第 20 条的规定。

☐ 权利要求 不符合专利法实施细则第 21 条的规定。

☐ 权利要求 不符合专利法实施细则第 22 条的规定。

☐ 权利要求 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 3 份 37 页。 ☐

第一次审查意见通知书正文

申请号: 021183570

本申请涉及一种可拆卸地安装在喷墨记录装置上的液体容器和一种利用这种液体容器的记录装置。经审查, 现提出如下的审查意见。

权利要求1所要求保护的技术方案不具备专利法第二十二条第三款规定的创造性。对比文件1公开了一种喷墨打印装置的油墨循环系统, 并具体公开了以下的技术特征“油墨容器的底部设置两个独立的流通连接口, 使得液体腔与容器外部相通, 两个连接口设置在靠近底部的端部”(参见该对比文件的说明书第3栏67行—第4栏51行及说明书附图4—6)。该权利要求所要求保护的技术方案与该对比文件所公开的技术内容相比, 其区别仅在于“容器具有扁平形状”, 然而这种区别是一种公知常识, 墨盒都是扁平形状。在该对比文件的基础上结合上述公知常识以获得该权利要求所要求保护的技术方案, 对所属技术领域的技术人员来说是显而易见的, 因此该权利要求所要求保护的技术方案不具备突出的实质性特点和显著的进步, 因而不具备创造性。

权利要求2 中出现了 所述液体容器的外部形状和内部空间指向其底部, 导致该权利要求保护范围不能准确确定, 不符合专利法实施细则第二十条第一款的规定(参见审查指南第二部分第二章第3.2.2节)。申请人应当删除上述措辞或者改用其它表述方式。如改用其他表述方式, 申请人应当注意该表述方式在原申请文件应有记载。

权利要求4 是权利要求 1 的从属权利要求, 其限定部分附加技术特征靠近底部端部的流体连接口被用于使液体能够从液体腔中导出也已在对比文件1 中相应地公开(参见对比文件 1 的 说明书第3栏67行—第4栏51行及说明书附图4—6), 且其在在该对比文件中所起的作用与其在本发明中所起的作用相同, 都是用于导出油墨, 在其引用的权利要求1不具备创造性的情况下, 该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

从属权利要求6是权利要求 1的从属权利要求, 其限定部分附加技术特征为靠近底部中心的流体连接口被用于引入空气, 但这些特征已在对比文件3中相应地公开(参见对比文件3的说明书第2页第6—21行及说明书附图1), 且其在对比文件3 中所起的作用与其在本发明中所起的作用相同, 都是用于引入空气, 即该对比文件给出了将上述附加技术特征应用到所引用的权利要求1的技术方案以进一步解决其技术问题的启示, 由此可知在对比文件 1 的基础上结合对比文件3得出该权利要求进一步限定的技术方案, 对本领域的技术人员来说是显而易见的, 因而在其引用的权利要求不具备创造性的情况下, 该从属权利要求不具备专利法第二十二条第三款规定的创造性。

从属权利要求10限定部分中对特征记录液体作了进一步限定, 但该特征在其

引用的权利要求8的技术方案中并没有出现，因而该从属权利要求是不清楚的，不符合专利法实施细则第二十条第一款的规定。申请人应当对此进行修改。

从属权利要求 11 是权利要求1的从属权利要求，其限定部分附加技术特征为两个流体连接口上设置弹性元件，用于密封液体腔，但这些特征已在对比文件2中相应地公开（参见对比文件2的说明书第4栏第37行—第5栏第58行、第7栏21—29行及说明书附图3、4和6），由此可知在对比文件1的基础上结合对比文件2得出该权利要求进一步限定的技术方案，对本领域的技术人员来说是显而易见的，因而在其引用的权利要求1不具备创造性的情况下，该从属权利要求不具备专利法第二十二条第三款规定的创造性。

权利要求1的从属权利要求12、13、14，其限定部分附加技术特征也已在对比文件2中相应地公开（参见对比文件2的说明书第4栏第37行—第5栏第58行、第7栏21—29行及说明书附图3、4和6），由此可知在对比文件1的基础上结合对比文件2得出权利要求12、13、14进一步限定的技术方案，对本领域的技术人员来说是显而易见的，因而在其引用的权利要求不具备创造性的情况下，该从属权利要求不具备专利法第二十二条第三款规定的创造性。

权利要求15不具备创造性，不符合专利法第22条第3款的规定。对比文件1公开了一种喷墨打印装置的油墨循环系统，并具体公开了以下的技术特征“油墨容器的底部设置两个独立的流通连接口，插入两个连接针”（参见该对比文件的说明书第3栏67行—第4栏51行及说明书附图4—6）；对比文件3公开了一种墨水盒，并具体公开了以下的技术特征“两个连接口分别导出墨水和引入空气”（参见该对比文件的说明书第2页第6—21行及说明书附图1）。由此可见，对比文件1和对比文件3已经披露了该权利要求的全部技术特征。在对比文件1的基础上结合对比文件3得出该权利要求所要求保护的技术方案，对所述技术领域的技术人员来说是显而易见的，而且两者的结合没有产生预料不到的技术效果，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备创造性。

权利要求16引用了权利要求1—6、8—14的液体容器，在该权利要求中对管状元件作了进一步限定，但该特征在其引用的权利要求1—6、11—14 的技术方案中并没有出现，因而该权利要求是不清楚的，不符合专利法实施细则第二十条第一款的规定。申请人应当对此进行修改。

权利要求18不具备创造性，不符合专利法第22条第3款的规定。对比文件1公开了一种喷墨打印装置的油墨循环系统，并具体公开了以下的技术特征“用于可拆卸地将墨水容器安装在喷墨记录装置上”（参见该对比文件的说明书第3栏67行—第4栏51行及说明书附图4—6），对比文件2公开了一种具有紧凑的供墨配置的墨盒结构（参见该对比文件的说明书第4栏第37行—第5栏第58行、第7

以下的技术特征“两个连接口分别导出墨水和引入空气”（参见该对比文件的说明书第2页第6—21行及说明书附图1）。由此可见，在对比文件1的基础上结合对比文件2或3得出该权利要求所要求保护的技术方案，对所述技术领域的技术人员来说是显而易见的，而且两者的结合没有产生预料不到的技术效果，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备创造性。

权利要求31不具备创造性，不符合专利法第22条第3款的规定。对比文件1公开了一种喷墨打印装置的油墨循环系统，并具体公开了以下的技术特征“油墨容器的底部设置两个独立的流通连接口，插入两个连接针”（参见该对比文件的说明书第3栏67行—第4栏51行及说明书附图4—6）；对比文件3公开了一种墨水盒，并具体公开了以下的技术特征“两个连接口分别导出墨水和引入空气”（参见该对比文件的说明书第2页第6—21行及说明书附图1）。由此可见，对比文件1和对比文件3已经披露了该权利要求的全部技术特征。在对比文件1的基础上结合对比文件3得出该权利要求所要求保护的技术方案，对所述技术领域的技术人员来说是显而易见的，而且两者的结合没有产生预料不到的技术效果，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备创造性。

权利要求42 中出现了强迫地抽吸所述记录头内的油墨的抽吸装置，导致该权利要求保护范围不能准确确定，不符合专利法实施细则第二十条第一款的规定（参见审查指南第二部分第二章第3.2.2节）。申请人应当删除上述措辞或者改用其它表述方式。如改用其他表述方式，申请人应当注意该表述方式在原申请文件应有记载。

审查指南第二部分第二章第2.2.1节对专利法实施细则第18条第1款作了进一步说明，对发明名称提出了五项要求，而目前的发明名称不满足其中第四项要求，即发明名称应该全面反映一件申请中包含的各种发明类型。申请人应修改此发明名称，克服上述缺陷，以符合专利法实施细则第18条第1款以及审查指南相应部分的有关规定。

申请人应当在本通知书指定的答复期限内对本通知书提出的问题逐一进行答复，必要时应修改专利申请文件，否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第33条的规定，不得超出原说明书和权利要求书记载的范围。

